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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
IN AND FOR DUCHESNE COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL)
DETERMINATION OF ALL THE)
RIGHTS TO THE USE OF WATER,)
BOTH SURFACE AND UNDERGROUND,)
WITHIN THE DRAINAGE AREA OF)
THE UINTAH BASIN IN UTAH.)

MOTION OF STATE ENGINEER

Civil No. 3070

During the 1974 and 1975 irrigation seasons, water from the Duchesne River System was distributed pursuant to an Order from the Court. Said Order provided that when it became necessary to place the Duchesne River on a duty schedule, water would be distributed to the users at a rate of one c.f.s. of water for every seventy acres of irrigated land. This distribution program was without prejudice to the claims of the parties in any subsequent proceedings in this action, and was considered to be an interim distribution practice while the State Engineer and the parties gathered additional data concerning the duty of water.

In this regard, the State Engineer conducted an investigation of return flow from the water applied to certain land on the Duchesne River System during the 1974 irrigation season, but because of the magnitude of the investigation and the budget and staff limitations of his office, the State Engineer was unable to fully complete the project. However, the information that was obtained from the 1974 investigation was tabulated and transmitted to the parties and the study continued during 1975.

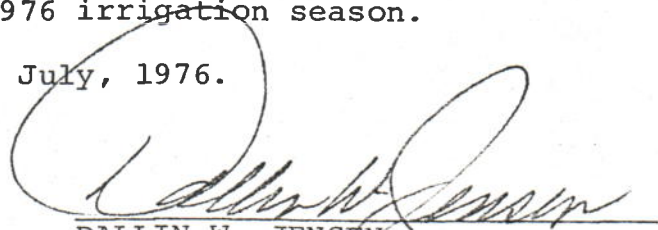
The State Engineer is now compiling the results of the 1975 investigation into a report and will transmit said report to the parties for their information and review in the very near future. It is the recommendation of the State Engineer that the parties be given sufficient time to review and analyze his report once

it is submitted to them, and that the Court then fix a time for a further hearing on this matter.

Pending the publication of this report and a further hearing, the State Engineer recommended to the users that the water of the Duchesne River System be distributed for the remainder of the 1976 irrigation season on the same basis as had been done for the 1974 and 1975 irrigation seasons. Following the submittal of his recommendation, certain users contacted the State Engineer and requested that he meet with them to discuss the distribution program and certain other concerns they had relating to the Duchesne River. Such a meeting was held on the evening of July 13, 1976, in Duchesne, Utah. It appeared to the State Engineer that the majority of the users were either present at that meeting or had a representative there, and it was the consensus of the group that the water from this system should not be distributed on the basis of one c.f.s. for every seventy acres of land for the remainder of the 1976 irrigation season; but, because of the extremely hot and dry conditions existing in the area which have caused the River to drop in flow at a rapid rate, the water be distributed on a duty schedule which would increase the acreage served by each cubic foot per second of water as the flow of the River diminishes. A copy of this new duty schedule, along with a brief explanation thereof, is attached hereto and by reference made a part of this Motion.

The State Engineer has no objection to such a program and, in fact, believes it to be in the public interest to proceed on this basis, and accordingly moves the Court to execute the attached Distribution Order to implement the attached duty schedule as a basis for the distribution of water on the Duchesne River System for the remainder of the 1976 irrigation season.

Dated this 15th day of July, 1976.



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Mailed copies hereof this 16th day of July, 1976, to:

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DUCHESNE RIVER DISTRIBUTION SYSTEM
1976 DUTY SCHEDULE

Total Divertable Flow ¹	Duty per Acre
(c.f.s.)	(c.f.s.)
0 - 100	1/150
101 - 240	1/120
241 - 650	1/100
651 and Above	1/70
650 - 590	1/75
589 - 460	1/80
459 - 370	1/100
369 - 0	1/120

¹While the "Duty Schedule" covers the low flows prior to spring runoff, it is recognized that for 1976, only the last half of the schedule will be used.

(Total divertable flow on July 13, 1976, was 688 c.f.s. which according to the above schedule would fix distribution on 1 c.f.s. to 70 acres.)